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WHEN MATING AND PARENTHOOD ARE THEORETICALLY DISTINGUISHED.

ELSIE CLEWS PARSONS.

IN THE July number of this JOURNAL was pointed out the need in ethical theory of a distinction between mating and parenthood, a distinction latterly made practicable by the use of contraceptives. Taking a few common captions as a convenient classification, let us now particularize certain effects of this distinction, remarking in general that sex relationships will be considered private relationships, self-centering, appreciated or depreciated for themselves, and that parental relationships will be considered public relationships, centering about the child.

I. MATING.

The Minimum Age for Mating.—The standards are formulated in law as “the age of consent” and “the age of consent at marriage.” In many of our states below the age of consent at marriage parental consent is required.

The age of consent is a definition for rape. Below the age of consent sexual intercourse is rape—providing, we note, as one of the confusions on this subject in public opinion, providing it occurs outside of marriage.¹ This confusion is a consequence of the proprietary theory of marriage, a theory making tenable the idea that within marriage rape is not conceivable.

Excepting the married below the age of consent from the law on rape and validating marriage below the age of consent at marriage through parental consent are facts which point to the interest originally expressed by age regulations—parental and marital proprietorship.² Age regula-

¹ The term marriage will be used throughout in the sense of the legal relationship.

² See Howard, G. E. A. History of Matrimonial Institutions, vol. 1, on child marriage and age of consent.

tions were not at all concerned with the welfare of the young person. That concern the rationalizer and the sentimentalist have read into them,³ only characteristically to befool the question and put off consideration of the real interest, the fact of immaturity.

Whatever conclusion we may come to when we really begin to think about it, analyzing our vague "too young to marry" ideas, the age of consent and the age of consent at marriage will be necessarily the same, since they bear upon exactly the same relation, the relation between immaturity and sexual intercourse, bearing upon it, too, solely from the standpoint of the young person herself or, let me add, himself. Parental consent will cease to figure; the only obligation of the state or the only concern of the public will be the protection of youth. Reformulated and reduced to a single term, the age of consent will probably be identified with the legal age of majority.

*The Minimum Age for Childbearing.*⁴—It seems unnecessary to go into the reasons why this subject has received no direct collective attention, important as it is to the public, more important even, since more inclusive, than the minimum age of mating. With coincidence between mating and childbearing no longer necessary, the minimum age to conceive becomes open to discussion. Here again the only consideration is the welfare of the individuals directly concerned, the potential mother and her child. Should she be fully mature or not before she conceives? Mature physically or mature in every way? And what position is open for collective action? If the state is to pursue the policy of eugenic or parents' certificates,⁵ the age of the parents will be considered, the certificate refused to persons

³ A parent is better able to choose a mate than the young person, is one of their irrelevant contentions.

⁴ This subject should be classified obviously under parenthood. It is so regularly introduced, however, into discussions of early mating, introduced, I may say, to utter confusion, that the better to emphasize *its distinction from the subject of minimum age for mating*, I too am disposed to take it up out of order.

⁵ More of this subject under parenthood. See p. 212.

below the standardized age. Obviously refusal would not preclude the birth of children to immature parents, but it would help establish a new standard for conditions proper for conception, the new standard we shall discuss later for illegitimacy.

Seduction.—In the suit for damages which parents or husbands ⁶ may bring, the interest is again one of parental or marital proprietorship. The breach of promise suit brought by the woman herself is the outcome of the same proprietary theory—as a matrimonial chattel the woman has been damaged and depreciated. As a seller of herself in the marriage market she is to be compensated. This proprietary theory of betrothal or of seduction is already passing.⁷ It will yield in time to a new conception of seduction, to defining it as any deception in courtship by either woman or man as to what she or he would take from or give to the other. Seduction so defined must be accounted a private offense, an offense quite outside collective jurisdiction. Moreover it is a region where any outsiders, even “family or friends,” may well fear to tread. On the other hand, consideration of the conditions which facilitate seduction is well within the province of both the family and the state, within the province of any educator of youth. Knowledge about sex renders the seduction of either women or men difficult. In sex relations, if anywhere, ignorance and helplessness go together. And yet seduction or betrayal may be due not only to a general ignorance of sex but to misplaced trust in a particular man or woman. If a woman is unwilling to conceive, for a man not to act accordingly is a betrayal. To make a man believe that he will be the father of a child not begot by him is another form of betrayal, a more generally recognized form. As to the false promise to support offspring of an union, the

⁶ Suit for the alienation of affection. By one of the false analogies society so often makes, this suit may also be brought by a wife.

⁷ The breach of promise suit has become a mere instrument of legal blackmail; but that the law on promise of marriage (or, let me add, on alimony) has never been attacked by feminists is an ironical situation anti-feminists might well make more of.

promise which would correspond under the new regimen to promise to marry under the old, let us postpone its discussion until we consider in general the parent's contract.

Adultery.—Seduction of a woman already mated is an affair of the state only when the state endorses the theory of marital proprietorship. Nor in the new definition we have given the term is seduction any affair necessarily of the first mate. If a person is living in adultery, *i.e.*, in a covert relationship, he or she may be practising seduction, *i.e.*, deception in love making—or not. Adultery is almost as ambiguous a term as marriage. If we continue to use it, we should understand it to mean a sex relationship with two men or with two women, covert to one or the other or to both. The element of covertness is the essential feature. Into those subtle questions which covertness raises for ethical theory, I would not enter in this discussion.

Polygamy.—Adultery in the current definition is not necessarily either a covert or a plural relationship. In the definition advanced, it is both. For the overt plural relationship we are again driven into old terms, for polygamy as we now use the word may be both a covert and a single relationship. Incidentally, let me remark that, when we begin to take sex relationships seriously in themselves and not merely from the point of view of other relationships or of outsiders, we shall realize the poverty and inadequacy of our terminology. It is, however, singleheartedness in mating we are now discussing. It, too, is a subtle and very complex question. Let me merely suggest that, with the right to privacy established for sex relations and freedom for self-determination, many of the problems of singleheartedness will disappear, its extraneous and artificial problems, such perplexities, for example, as protecting in the eyes of the public one's matrimonial honor or dignity as well as many of the questions raised to-day in getting a divorce. But other questions will of course remain, questions arising out of individual differences and individual variability, questions of jealousy, questions of habit. And

yet even these conflicts, one ventures to say, will be vastly mitigated by the principle of privacy in sex relationships. With the conditions for privacy more or less formalized and their observance a conventionality, with the advertisement of a sex relationship discountenanced, the spirit of monopoly towards another will be condemned, even getting the habit of being always with another will be discouraged. The causes of jealousy will be lessened. Moreover, under natural conditions, singleheartedness, genuine singleheartedness, will be more likely to arouse singleheartedness. The monogamist by nature will be less likely to mate with one of polygamist tendencies.

Prostitution.—To this subject I refer in conclusion merely to state why I need not refer to it at all. By the new distribution of ethical values which we foresee, prostitution is little if at all affected,⁸ perhaps because of all sex relationships prostitution has always been considered for itself. At any rate it would seem that, whatever the practical conditions in prostitution in need of a collective remedy, conditions of preventable disease, for example, or of trade in prostitutes, on the whole the theoretical attitude of the community needs no reforming. The relation arising in prostitution is already adjudged a private relationship—except of course where reglementation prevails. In itself, subject though it is to adventitious frauds, it is a frank relationship, neither man nor woman deceives the other. It is an extremely imperfect, *i.e.*, partial relationship, and by all is it so regarded. Social disapprobation, to be sure, does not fall equally upon the sexes, but that is because in prostitution the sexes do not have corresponding parts. In prostitution, men commit an offense against sex, women are members of a despised economic caste. Against sex,

⁸ Although of all sex topics it is the most under current discussion and of all the most subject to attempts to change its values. Collectively disapproved of, its reform is, I suggest, a *safer* subject to discuss than marriage reform; it is in discussion as it is in practice a kind of scapegoat for marriage, an outlet for the dissatisfaction felt about the collectively approved forms of mating. It becomes therefore in contemporaneous plays and novels the object of the crassest kinds of sentimentality.

women prostitutes may not be offenders at all, their occupation being entirely economic. Society's caste prejudices are far stronger than its still embryonic feeling about offenses against sex. It is undemocratic of society to demean the services it pays for, services it thinks it can not get on without and yet does not much value, or to segregate any economic class—house servants, clergymen, or prostitutes—but it is not strictly a part of a discussion of sex ethics to criticise society for its failures in democracy.

II. PARENTHOOD.

In considering the minimum age for childbearing, I referred to the use of parent's certificates. In the earlier discussion the suggestion had been that parent's certificates take the place of marriage licenses and parent's contracts supersede marriage contracts. More of this substitution.

Illegitimacy.—The only form of illegitimacy now recognized refers to the sex relationship of the parents. Into our substitute view this relationship will not enter. The health conditions under which the child is conceived will be paramount. Parents of an improper age or otherwise physically defective, uncertified parents, will be accounted illegitimate. Parents neglecting to contract with the state about the care and bringing up of the child will also be considered illegitimate, *i.e.*, parents shifting their responsibility to the state. In other words, illegitimacy will refer to parents only, not to offspring, and to parents in so far as they shirk their responsibilities both to their offspring and to the state.

Free Motherhood.—Upon which parent do these responsibilities fall? Upon the mother or the father? Under the parent contract system I have suggested, the responsibility may be assumed by either parent or by both. However deeply concerned society may be about the advantage to the child of having two parents, the state must hold itself indifferent. Without trespassing upon the right to privacy in sex relations, the fact of paternity cannot be compulsorily established. The state cannot afford to search for pater-

nity. Maternity, on the other hand, needs no proof. It is upon the mother, therefore, that the state, if need be, must place the final responsibility. There are other reasons for holding a mother more responsible than a father, ethically more acceptable reasons for considering a foundling more to the discredit of its mother⁹ than its father. During pregnancy, at least, if not during infancy, it is the mother who must care for the child.¹⁰ From natural circumstances, also, the final responsibility for conception, except in case of rape, is hers. She has more opportunity¹¹ to understand the actual conditions necessary to impregnation. That nature places the final responsibility for childbearing upon the woman seems to me axiomatic, incontrovertible. That it is controverted in certain feminist circles, is due, I think, to the persistence of the very institutional ideas about women that feminists in general oppose, the proprietary ideas that make of women irresponsible beings to be cared for since they are possessed. Until women assume a larger measure of responsibility about childbearing, hardly can they expect a larger control of their children. Free motherhood is dependent upon responsible motherhood.

Maternity Insurance and Mothers' Pensions.—By responsible motherhood I do not mean wholly independent, economically independent motherhood, not at least in the near future. Lack of economic training and limitation of economic opportunity bear at present too hard on women to enable them to be economically independent during certain periods of childbearing and rearing. In course of time I foresee young women working to insure themselves against the day of economic unproductivity, to insure themselves for maternity. Even to-day they might well begin to transfer to that end the energy they now give to catching

⁹ Assuming the stigma of bearing a fatherless child is removed. Then and only then is deserting an infant an indisputably shameful act.

¹⁰ To the argument that she has therefore contributed before the birth more than her share of care, I can only rejoin that it is the logic of life that responsibility increases with increase of function.

¹¹ Under normal circumstances. The opportunity a woman is deprived of through faulty education I do not take into account.

husbands or to unpaid labor at home. In return for that labor they might well ask their family to help them pay their maternity premiums. To see that your daughter was well insured for maternity might take the place among parental obligations of seeing she had a dowry.

Such a system of maternity insurance might develop into an adequate provision under normal circumstances. But for special cases and at present more generally the state should be called upon to co-operate with the over-handicapped mother. It should maintain homes for expectant or convalescent or nursing mothers. Its maternity hospitals should be greatly increased and its out-patient obstetrical service. It should continue its experiments in mothers' pensions.

Mothers' pensions must be viewed as a highly tentative plan, and as a plan perhaps to meet emergencies rather than normal circumstances. For normally I would not shift the support of a child from its mother to the state. The situation we are discussing is one where the woman cannot both care for the child and earn enough to support it as well as herself. It is just the same situation that a man alone with a child must face. And as he would meet that situation, so must a woman. He or she has to place the child under the care of others and then work for its support. The risk of not being able to care for her child herself is the risk an economically independent woman must run. It is the price the theory of free motherhood cannot escape paying.

Paternity.—In practice, however, one sees no reason why it should often be paid or, at any rate, paid unwillingly. Under the parent contract system a woman would continue to be free to co-operate with the father of her child instead of with the state. Legally she would be as free indeed as she is now to shift the entire responsibility for the child upon its father or, base enough, upon its supposititious father. She would be as free to insist upon a man's undertaking a parent's contract before there were any possibility for conception as she is now to insist upon a marriage con-

tract. To meet the circumstances of seduction, suit to enforce a promise to enter into a parent's contract might even take the place of suing for breach of promise to marry. A woman would not only be free, we may conclude, not to join in making the parent's contract; very often, generally in fact, she would be urged, I surmise, to stay out of it. I see no reason why men would be more ready to relinquish the support and control of their children under a parent's contract system than under the present marriage system.

Under the parent's contract system, a man as well as a woman would be free to make the contract he preferred, having but to choose for the mother of his children the woman who agreed with him about the distribution of functions in the family. One of the advantages of the parent's contract system to a man would be the proof that it is able to afford that he is really getting the kind of woman he wants, be she the old-fashioned clinging vine type of woman or the *émancipée*.

CONCLUSION.

Unobscured by questions about offspring and therefore the more readily detached from the tentacles of the proprietary theory, the theory of sex relations may be foreseen to work out its own salvation, introducing the principle of reciprocity between the sexes and for both men and women setting new standards of sincerity, honor, and responsibility. These standards will also be set in the theory of parenthood. Illegitimacy will be redefined, defined not from the standpoint of an illicit sex relationship, but from the standpoint of the child. The stigma of parental irresponsibility will attach to parents of children begot or conceived under circumstances injurious to the children themselves. Greater economic responsibility will attach to women and they will have proportionately greater freedom of maternity. To men as well as to women parenthood will become a more voluntary and therefore a more significant enterprise.

This shifting of values, let us be advised, will by no means

be a harbinger of Utopian conditions. It is no guaranty against sex conflicts or undeveloped types of parenthood. Nor is a parent's contract system a panacea. It does not provide, for example, for a change in a parent's earning capacity, much less for a change of heart. No social machinery can be contrived to adequately meet the changes of life or to preclude spiritual inadequacy or disaster. All that new social machinery can do is to advertise that the flotsam of a traditional and inept morality has been removed to let flow the current of a finer and a truer spiritual life.

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